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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAN ROUVEN FUECHTENER,

Defendant.

Case No. 2:16-cr-00100-GMN-CWH

**UNOPPOSED MOTION FOR ORDER
UNSEALING SENTENCING
TRANSCRIPT ECF 341 AND
PROPOSED ORDER**

JAN ROUVEN FUECHTENER, by and through his counsel, RUSSELL E. MARSH, ESQUIRE, and SUNETHRA MURALIDHARA, ESQUIRE, file this Unopposed Motion for Order Unsealing Sentencing Transcript, ECF 341. The instant request is made so that Mr. Fuechtener may prepare his appeal to the Ninth Circuit Court of Appeals, Case Number, 19-10097. His request is further supported by the Memorandum of Points and Authorities below and all the pleadings and papers on file in the case.

DATED this 12th day of April 2019.

WRIGHT MARSH & LEVY

/s/ Russell E. Marsh
Russell E. Marsh, Esq.
Sunethra Muralidhara, Esq.
Attorneys for Mr. Fuechtener

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Memorandum of Points and Authorities

On February 28, 2019, this Court sentenced Mr. Fuechtener to 240 months custody based on three convictions: Count 1—possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B); Count 2—receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2) and (b); Count 3—distribution of child pornography in violation of 18 U.S.C. §§ 2252A(a)(2) and (b). ECF 341, 345. At sentencing, a sealed sidebar and hearing was conducted. The Court granted the request to seal this portion of the hearing. During this hearing a witness was called and exhibits admitted.

On March 14, 2019, Mr. Fuechtener timely filed his notice of appeal. ECF 346. Mr. Fuechtener's opening brief and excerpts of record is due June 13, 2019. To prepare his opening brief, Mr. Fuechtener requests the Court enter and order temporarily unsealing this portion of the sentencing transcript and corresponding exhibits. Counsel has contacted AUSA Roohani who has no objection to this request.

DATED this 12th day of April 2019.

WRIGHT MARSH & LEVY

/s/ Russell E. Marsh

Russell E. Marsh, Esq.

Sunethra Muralidhara, Esq.

Attorneys for Mr. Fuechtener

**UNITED STATES DISTRICT COURT
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PROPOSED ORDER

On March 14, 2019, Mr. Fuechtener timely filed his notice of appeal. ECF 346. Mr. Fuechtener's opening brief and excerpts of record is due June 13, 2019.

IT IS THE ORDER OF THE COURT that the sealed transcript and exhibits shall be unsealed for the limited purpose of providing a copy of the transcript and exhibits as requested to counsel of record and to the government.

IT IS FURTHER ORDERED that the sealed transcript shall thereafter be resealed, and a certified copy of the transcript be delivered to the Clerk pursuant to 28 U.S.C. § 753(b), until further order of this Court.

IT IS FURTHER ORDERED that the receiving party shall not disclose the sealed contents of the transcript of the proceeding to anyone other than the representatives of the parties directly concerned with this case.

IT IS SO ORDERED

DATE

UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that she is an employee of Wright Marsh & Levy and is a person of such age and discretion as to be competent to serve papers.

That on April 12, 2019, she served an electronic copy of the above and foregoing
**UNOPPOSED MOTION FOR ORDER UNSEALING SENTENCING TRANSCRIPT
ECF 341 AND PROPOSED ORDER**

by electronic service to the person named below:

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United States Attorney District of Nevada
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/s/ Debbie Caroselli
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